

REMARKS

The following remarks are submitted to address the above amendments and issues raised in the Official Action mailed October 5, 2005.

A Request for Extension of Time to extend the period for responding to this Office Action to April 5, 2006, is filed herewith.

Upon entry of the foregoing amendments, claims 1-7 are now pending in this application. Claim 1 stands rejected under 35 USC § 101 for double patenting, as claiming the same invention as that of claim 1 of U.S. Patent No. 6,622,858. Claims 2-7 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,622,858. Claim 7 stands objected to as related to dependency. Claims 2, 3, 5, and 7 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 4,014,436 to Tunis in view of U.S. Patent No. 646,638 to Cutler. Claims 2, 3, 5, and 7 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,032,793 to Oakley in view of Tunis, and further in view of either U.S. Patent No. 2,755,924 to Tuttle et al. or U.S. Patent No. 5,791,470 to Usui. Claim 6 stands rejected under 35 USC § 103(a) as being unpatentable over either Tunis or Oakley, and further in view of U.S. Patent No. 4,190,151 to Russell.

No new matter has been added. Support for requested amendments can be found in the original claims and throughout the present specification and drawings. Applicant respectfully requests consideration of the application in light of the above amendments and the following remarks.

Claim 1 — 35 USC § 101

The rejection of claim 1 under 35 USC § 101 for double patenting is respectfully traversed.

Claim 1 of the present invention, as amended, claims “[a] garment display package, comprising: a back panel having a top, two sides, and a bottom, the back panel having a securing flap integrally formed therein, a hanging tab integrally formed at the top, and a closing slot formed proximate one side; a foldable connection between the securing flap and the back panel and *at least one fold line proximate the foldable connection so that folding the securing flap at the at least one fold line provides a thickness dimension to accommodate garments having various thicknesses for display*; a bottom garment support panel foldably connected to the bottom of the back panel with a connecting tab and upwardly foldable into juxtaposed relationship with the back panel, the connecting tab having a common fold line with the back panel and a separate common fold line with the bottom garment support panel so that folding the connecting tab along each fold line provides a package thickness dimension; and a front panel foldable only about a top portion of at least one garment and the upwardly folded bottom garment support panel, the front panel having an innermost edge and an outermost edge, the innermost edge of the front panel foldably connected to the side of the back panel opposite the closing slot, *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, and *at least two fold lines located proximate each of the innermost edge and the outermost edge*, the at least two fold lines located proximate each edge *spaced apart so that folding the front panel at the fold lines provides a thickness dimension to accommodate garments having various thicknesses for display*, wherein the garment is positioned about the bottom garment support panel in upwardly folded position, the securing flap is folded over the garment and the upwardly folded bottom garment support panel, the front panel is folded across the securing flap, the top portion of the garment, and the upwardly folded bottom garment support panel, and the closing tab is inserted into the closing slot to secure and display the garment within the package.” (Claim 1 (emphasis added).)

The Official Action states that claim 1 is rejected under 35 USC § 101 for double patenting, as claiming the same invention as that of claim 1 of U.S. Patent No. 6,622,858 (the '858 patent). (Official Action, para. 2.)

Claim 1 of the '858 patent fails to claim as in claim 1 of the present invention: (1) a foldable connection between the securing flap and the back panel and at least one fold line proximate the foldable connection so that folding the securing flap at the at least one fold line provides a thickness dimension to accommodate garments having various thicknesses for display; (2) a closing tab having a shape corresponding to the shape of the closing slot; and (3) at least two fold lines located proximate each of the innermost edge and the outermost edge of the front panel spaced apart so that folding the front panel at the fold lines provides a thickness dimension to accommodate garments having various thicknesses for display. Therefore, Applicant respectfully submits that claim 1 of the present invention claims subject matter that is not identical to that in claim 1 of the '858 patent. Accordingly, claim 1 of the present invention claims a separate invention than the invention in claim 1 of the '858 patent.

For all of these reasons, the Office is respectfully requested to withdraw the rejection of claim 1 under 35 USC § 101 for double patenting, as claiming the same invention as that of claim 1 of the '858 patent.

Claims 2-7 — Double Patenting

The rejections of claims 2-7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of the '858 patent are respectfully traversed.

Claim 2 of the present invention, as amended, claims "[a] garment display package, comprising: a back panel having a top, two sides, and a bottom; a hanging tab integrally formed

at the top; a closing slot formed proximate one side; a bottom garment support panel foldably connected to the bottom of the back panel with a connecting tab and upwardly foldable into juxtaposed relationship with the back panel, the connecting tab having a common fold line with the back panel and a separate common fold line with the bottom garment support panel so that folding the connecting tab along each fold line provides a package thickness dimension; and a front panel foldable about a top portion of a garment and the upwardly folded bottom garment support panel, the front panel having an innermost edge and an outermost edge, the innermost edge of the front panel foldably connected to the side of the back panel opposite the closing slot, and *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, wherein when the garment is positioned about the bottom garment support panel, the bottom garment support panel and the garment are folded upwardly into juxtaposed relationship with the back panel, the front panel is folded across the garment and upwardly folded bottom garment support panel, and the closing tab is inserted into the closing slot, the garment is secured and displayed garment within the package.” (Claim 2, as amended.)

The Official Action states that claims 2-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,622,858, and that although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to eliminate the limitations when they are not desired. (Official Action, para. 3.)

Claims 1-21 of the ‘858 patent each claim a “securing flap” integrally formed in a back panel of a garment display package. Applicant respectfully submits that the garment display package claimed in claim 2 of the present invention advantageously operates without a “securing flap.” A garment display package, as claimed in claim 2 of the present invention, provides for a garment being positioned about the bottom garment support panel, the bottom garment support panel and the garment folded upwardly into juxtaposed relationship with the back panel, the

front panel folded across the garment and upwardly folded bottom garment support panel, and the closing tab inserted into the closing slot, such that the garment is *secured* and displayed garment within the package. Therefore, claim 2 of the present invention claims a garment display package that is different than – and that operates effectively without an element of – the garment display package having a “securing flap” as in claims 1-21 of the ‘858 patent.

Applicant respectfully submits that the package claimed in claim 2 of the present invention that securely displays a garment without a “securing flap” has not been disclosed prior to Applicant’s invention thereof. Accordingly, claim 2 of the present invention would not have been obvious to one of ordinary skill in the art at the time the invention was made and is thus patentably distinct from claims 1-21 of the ‘858 patent. Claims 3-7 depend from claim 2, and are likewise not obvious in view of, and are patentably distinct from, claims 1-21 of the ‘858 patent.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 2-7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of the ‘858 patent.

Claim 7 — Objection

The objection to claim 7 related to dependency is respectfully traversed.

Applicant thanks Examiner Mai for pointing out the (typographical) dependency error in claim 7. Claim 7 has been amended herein to change the dependency from claim 21 to claim 2. For all of these reasons, the Office is respectfully requested to withdraw the objection to claim 7 related to dependency.

Claims 2, 3, 5, and 7 — 35 USC § 103(a)

The rejections of claims 2, 3, 5, and 7 under 35 USC § 103(a) as being unpatentable over Tunis in view of Cutler are respectfully traversed.

Claim 2 of the present invention, as amended, claims “[a] garment display package, comprising: a back panel having a top, two sides, and a bottom; a hanging tab integrally formed at the top; a closing slot formed proximate one side; a bottom garment support panel foldably connected to the bottom of the back panel with a connecting tab and upwardly foldable into juxtaposed relationship with the back panel, the connecting tab having a common fold line with the back panel and a separate common fold line with the bottom garment support panel so that folding the connecting tab along each fold line provides a package thickness dimension; and a front panel foldable about a top portion of a garment and the upwardly folded bottom garment support panel, the front panel having an innermost edge and an outermost edge, the innermost edge of the front panel foldably connected to the side of the back panel opposite the closing slot, and *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, wherein when the garment is positioned about the bottom garment support panel, the bottom garment support panel and the garment are folded upwardly into juxtaposed relationship with the back panel, the front panel is folded across the garment and upwardly folded bottom garment support panel, and the closing tab is inserted into the closing slot, the garment is secured and displayed garment within the package.” (Claim 2, as amended.)

The Official Action states that Tunis teaches a back panel 17, a hanging tab, a closing slot 13, a bottom support panel 24, and a front panel 17 with a tab 19.7; that Tunis meets all claim limitations except for the tab connecting to the bottom support panel; that Cutler teaches that it is known in the art to provide tabs with a plurality of fold lines in a container; and that it would have been obvious to one of ordinary skill in the art to provide a tab with fold lines in Tunis as taught by Cutler to accommodate the contents. The Official Action states that portion 22 is part of the garment as claimed; and that with respect to the folding support panel, the limitation does not impart any structure over the combination of Tunis in view of Cutler since the claim is directed to a package, and the combination of Tunis in view of Cutler meets the final condition of the package as claimed. The Official Action states that regarding claim 4, there are at least

two fold lines proximate each of the inner edge and the outer edge; and that regarding claim 5, the front panel is less than the length of the back panel as claimed, and that the garment is exposed below the front panel for display. (Official Action, para. 5.)

Tunis discloses a display container for belt-like objects having a bottom panel, which, when folded inwardly, forms an auxiliary chamber in which laces or other auxiliary materials can be stored. The container includes tongue 19.7 having slits 31 at the base thereof for locking the tongue in slot 13. (Tunis, col. 3, lines 33-36 and 56-58.)

Cutler discloses an expansible document envelope that includes an end flap b having an inwardly-shouldered tongue i to be interlocked through one or more slits j. (Cutler, lines 87-95; Figs. 1 and 3.)

Tunis fails to disclose *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, as in claim 2. As a result, Tunis fails to disclose each and every element of the invention as claimed in claim 2, and thus fails as a reference with respect to claim 2. Neither does Cutler disclose *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, as in claim 2. As a result, Cutler fails to disclose each and every element of the invention as claimed in claim 2, and thus fails as a reference with respect to claim 2. Therefore, Applicant respectfully submits that neither reference overcomes the deficiency of the other reference with respect to claim 2. Accordingly, claim 2 is not obvious over Tunis in view of Cutler.

Claims 3, 5, and 7 depend from claim 2, and are therefore likewise not obvious over Tunis in view of Cutler.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 2, 3, 5, and 7 under 35 USC § 103(a) as being unpatentable over Tunis in view of Cutler.

Claims 2, 3, 5, and 7 — 35 USC § 103(a)

The rejections of claims 2, 3, 5, and 7 under 35 USC § 103(a) as being unpatentable over Oakley in view of Tunis, and further in view of either Tuttle et al. or Usui are respectfully traversed.

Claim 2 of the present invention, as amended, claims “[a] garment display package, comprising: a back panel having a top, two sides, and a bottom; a hanging tab integrally formed at the top; a closing slot formed proximate one side; a bottom garment support panel foldably connected to the bottom of the back panel with a connecting tab and upwardly foldable into juxtaposed relationship with the back panel, the connecting tab having a common fold line with the back panel and a separate common fold line with the bottom garment support panel so that folding the connecting tab along each fold line provides a package thickness dimension; and a front panel foldable about a top portion of a garment and the upwardly folded bottom garment support panel, the front panel having an innermost edge and an outermost edge, the innermost edge of the front panel foldably connected to the side of the back panel opposite the closing slot, and *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, wherein when the garment is positioned about the bottom garment support panel, the bottom garment support panel and the garment are folded upwardly into juxtaposed relationship with the back panel, the front panel is folded across the garment and upwardly folded bottom garment support panel, and the closing tab is inserted into the closing slot, the garment is secured and displayed garment within the package.” (Claim 2, as amended.)

The Official Action states that Oakley teaches a garment display package with back panel 114, a hanging tab 122, a bottom support panel 112, and a front panel 132; that Oakley meets all

limitations except for the closing slot in the back panel for engaging with a tab on the front panel and the connecting tab on the bottom support; that Tunis teaches that it is known in the art to provide an attachment with a slot 13 and a tab 19.7; and that it would have been obvious to one of ordinary skill in the art to provide a closing slot in the back panel for engaging with a tab on the front panel in Oakley as taught by Tunis to provide an alternate attachment means. The Official Action states that with respect to the tab on the bottom support, either Tuttle et al. or Usui teaches that it is known in the art to provide a tab with fold lines; and that it would have been obvious to one of ordinary skill in the art to provide a tab with an additional fold line in Oakley as taught by either Tuttle et al. or Usui to accommodate the size of the contents. The Official Action states that regarding claim [3], the plurality of fold lines accommodates the contents in Tunis. (Official Action, para. 6.)

Oakley discloses a hosiery package that when assembled leaves the display header unconcealed. The package includes band 130 and 140 that can be interlocked with one another by slits 134 and 144. (Oakley, Abstract; col. 4, lines 5-9.)

Tunis discloses a display container for belt-like objects having a bottom panel, which, when folded inwardly, forms an auxiliary chamber in which laces or other auxiliary materials can be stored. The container includes tongue 19.7 having slits 31 at the base thereof for locking the tongue in slot 13. (Tunis, col. 3, lines 33-36 and 56-58.)

Tuttle et al. discloses a hosiery container including a back flap 20 having a pair of tabs 25, 26 extending transversely from the flap that are foldable together and fastened to hold the flap in position. (Tuttle et al., col. 1, lines 50-59, Figs. 1 and 3.)

Usui discloses a paint brush package and display article comprising a blank including a curved flap 22 on one end that can be inserted into slit opening 11 to latch the flap to the blank. (Usui, col. 2, lines 13-26; Fig. 1.)

Applicant respectfully submits that Oakley, Tunis, Tuttle et al., and Usui each fails to disclose *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, as in claim 2. As a result, Oakley, Tunis, Tuttle et al., and Usui each fails to disclose each and every element of the invention as claimed in claim 2, and thus fails as a reference with respect to claim 2. Accordingly, claim 2 is not obvious over Oakley in view of Tunis, and further in view of either Tuttle et al. or Usui.

Claims 3, 5, and 7 depend from claim 2, and are therefore likewise not obvious over Oakley in view of Tunis, and further in view of either Tuttle et al. or Usui.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 2, 3, 5, and 7 under 35 USC § 103(a) as being unpatentable over Oakley in view of Tunis, and further in view of either Tuttle et al. or Usui.

Claim 6 — 35 USC § 103(a)

The rejection of claims 6 under 35 USC § 103(a) as being unpatentable over either Tunis or Oakley, and further in view of Russell is respectfully traversed.

Claim 2 of the present invention, as amended, claims “[a] garment display package, comprising: a back panel having a top, two sides, and a bottom; a hanging tab integrally formed at the top; a closing slot formed proximate one side; a bottom garment support panel foldably connected to the bottom of the back panel with a connecting tab and upwardly foldable into juxtaposed relationship with the back panel, the connecting tab having a common fold line with the back panel and a separate common fold line with the bottom garment support panel so that folding the connecting tab along each fold line provides a package thickness dimension; and a front panel foldable about a top portion of a garment and the upwardly folded bottom garment

support panel, the front panel having an innermost edge and an outermost edge, the innermost edge of the front panel foldably connected to the side of the back panel opposite the closing slot, and *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, wherein when the garment is positioned about the bottom garment support panel, the bottom garment support panel and the garment are folded upwardly into juxtaposed relationship with the back panel, the front panel is folded across the garment and upwardly folded bottom garment support panel, and the closing tab is inserted into the closing slot, the garment is secured and displayed garment within the package.” (Claim 2, as amended.)

The Official Action states that the modified package of Oakley meets all claimed limitations except for the J-shape hanging tab; that Russell teaches that it is known in the art to provide a J-shape hanging tab; and that it would have been obvious to one of ordinary skill in the art to provide a J-shape hanging tab as taught by Russell to provide an alternate hanging device. (Official Action, para. 7.)

Tunis discloses a display container for belt-like objects having a bottom panel, which, when folded inwardly, forms an auxiliary chamber in which laces or other auxiliary materials can be stored. The container includes tongue 19.7 having slits 31 at the base thereof for locking the tongue in slot 13. (Tunis, col. 3, lines 33-36 and 56-58.)

Oakley discloses a hosiery package that when assembled leaves the display header unconcealed. The package includes band 130 and 140 that can be interlocked with one another by slits 134 and 144. (Oakley, Abstract; col. 4, lines 5-9.)

Russell discloses a display hanger including cooperating locking panels 22, 23 at the side of a main body that can be engaged with each other to secure the locking panels. (Russell, col. 2, lines 28-55; Figs. 1-2.)

Applicant respectfully submits that Tunis, Oakley, and Russell each fails to disclose *a closing tab having a shape corresponding to the shape of the closing slot* in the back panel foldably connected to the outermost edge of the front panel, as in claim 2. As a result, Tunis, Oakley, and Russell each fails to disclose each and every element of the invention as claimed in claim 2, and thus fails as a reference with respect to claim 2. Accordingly, claim 2 is not obvious over either Tunis or Oakley, and further in view of Russell. Claim 6 depends from claim 2, and is therefore likewise not obvious over either Tunis or Oakley, and further in view of Russell.

For all of these reasons, the Office is respectfully requested to withdraw the rejection of claim 6 under 35 USC § 103(a) as being unpatentable over either Tunis or Oakley, and further in view of Russell.

New Claims — Claims 8-10

Applicant respectfully submits new claims 8-10 herein to further clarify the invention.

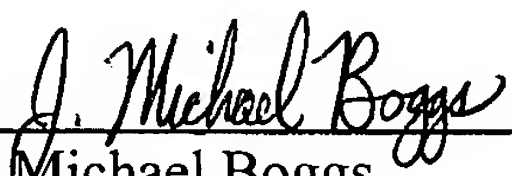
CONCLUSION

Applicant submits that a full and complete response has been made herein to the Official Action and, as such, all pending claims in this application are now in condition for allowance. Therefore, Applicant respectfully requests early consideration of the present application, entry of all amendments herein requested, withdrawal of all rejections, and allowance of all pending claims.

The Office is respectfully invited to contact J. Michael Boggs at (336) 747-7536, to discuss any matter relating to this application.

Respectfully submitted,

Date: 4/5/06



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